

REMARKS

Claims 1-55 are pending. Claims 1, 3, 4, 14, 16, 17, 25, 31, 36, 42, 47, 50 and 53 have been amended. No new matter has been added.

Claims 3, 4, 16 and 17 were objected to for grammatical reasons. These claims have been amended in accordance with the Examiner's suggestion, and withdrawal of the objection is respectfully requested.

Claims 1-22, 25-34, 36-45, 47-55 were rejected under 35 USC 103(a) as being unpatentable over Ohara, U.S. Patent 6,438,643, in view of Fukada, U.S. Patent 6,041,175. This rejection is respectfully traversed.

The independent claims of this application have been amended to clarify that the adaptability between a first software program which has already been installed and a second software program which has a newer version than the first software program, or the adaptability between a second software program which has already been installed and a first software program with a newer version than the first software program is determined. The claims also clarify that the first and second software programs are different types of programs.

Both Ohara and Fukada fail to disclose this newly recited feature. Specifically, Ohara does not judge adaptability between two software programs and Fukada discloses at col. 7, lines 17-25, that the printer driver provided in the peripheral device and the printer driver in the host computer are compared, and if they are different, the printer driver provided in the peripheral device is transferred to update the printer driver in the host computer. That is, Fukada determines the difference in versions of software programs which are the same type. In contrast, the claims recites that the first and second programs are a different type. Accordingly, the features of the independent claims are neither taught nor suggested by the cited art, either alone or in combination. The dependent claims are allowable at least due to their respective dependencies. Applicant respectfully requests that this rejection be withdrawn.

Claims 23-24, 35 and 46 were rejected under 356 USC 103(a) as being unpatentable over Ohara and Fukada as described in claims 1-22, 25-34, 36-45 above, and in view of Benjamin, U.S. Patent 6,113,208. This rejection is respectfully traversed.

As stated above, the features of the independent claims are not taught by Ohara, Fukada or a combination thereof. Likewise, Benjamin fails to teach or suggest the features discussed above. Accordingly, dependent claims 23-24, 35 and 46 are allowable at least due to their respective dependencies. Applicant respectfully requests that this rejection be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772018400. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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